

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BERNARD RAY,)	8:05CV113
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
TYSON FRESH MEATS, INC.,)	
)	
Defendant.)	

This matter is before the court on the Magistrate Judge's Report and Recommendation (filing 33) that this case be dismissed for lack of prosecution. No objections to such Report and Recommendation have been filed, as allowed by 28 U.S.C. § 636(b)(1)(C) and NECivR 72.3.

I have reviewed the Magistrate Judge's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECivR 72.3 and I find after de novo review that Judge Piester's recommendation that this action be dismissed for lack of prosecution should be adopted for the reasons stated therein and pursuant to Fed. R. Civ. P. 41 and NECivR 41.1 ("The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence."). See also Filing 26 (discussing plaintiff's counsel's repeated failures to comply with court orders).

Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (filing 33) is adopted;

2. This case is dismissed with prejudice for lack of prosecution pursuant to Fed. R. Civ. P. 41 and NECivR 41.1; and

3. Judgment shall be entered by separate document.

February 28, 2006.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge